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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,485	10/05/2001	Brian R. McCarthy	310048-668	5310

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,485	Applicant(s) MCCARTHY, BRIAN R.	
	Examiner Salvatore Cangialosi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/02/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 64-68, 70, 72-76, 78 and 79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 64-68, 70, 72-76, 78, 79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/28/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Berson (5598477) or Kay (6223166) in view of MacDonald (6594026).

Regarding claim 1, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose method for printing tickets on a local printer under control of a remote network server substantially as claimed. Note that the prior art show the printing of different tickets for different events. The differences between the above and the claimed invention is the use of specific ticket media, i.e. a perforated ticket. MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that

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controls graphic perforation for ticket printing. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Berson or Kay because it would be obvious to substitute the printers of MacDonald that are functional equivalents of the prior art. Regarding the network limitations of claim 2, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server which is a functional equivalent of the claim limitations. Regarding the identifier limitations of claim 3, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server including a barcode which is a functional equivalent of the claim limitations. Regarding the identifier limitations of claim 4, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server including a barcode which is a functional equivalent of the claim limitations. Regarding the network limitations of claim 5, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-

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55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server which is a functional equivalent of the claim limitations. Regarding removable ticket stub of claim 6, MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that controls graphic perforation for ticket printing which is a functional equivalent of the claim limitations.

Regarding ticket limitations of claims 7-12, MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that controls graphic perforation for ticket printing which is a functional equivalent of the claim limitations.

4. Claims 64-68, 70, 72-76, 78, and 79 are rejected under 35 U.S.C. § 103 as being unpatentable over Veeneman (5652421) in view of Kay (6223166) and MacDonald (6594026).

Regarding claim 64, either Veeneman (See abstract, Figs. 1-3) disclose method for printing gift certificates on a local printer under control of a remote network server substantially as claimed. Note that the prior art show the printing of different tickets for different events. The differences between the above and the claimed invention is the use of specific ticket media, i.e. a perforated media and validation. MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that controls graphic perforation for media printing. Either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and

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claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose method for printing on a local printer under control of a remote network server and including media validation. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Veeneman because it would be obvious to substitute the printers of MacDonald that are functional equivalents of the prior art. Regarding the network limitations of claim 65, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server which is a functional equivalent of the claim limitations. Regarding the identifier limitations of claims 66-68, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server including a barcode which is a functional equivalent of the claim limitations. Regarding the printing limitations of claim 70, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network

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server including any message which may be personal which is a functional equivalent of the claim limitations. Regarding removable limitations of claims 71 and 72, MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that controls graphic perforation for ticket printing which is a functional equivalent of the claim limitations. Regarding printing limitations of claims 74-76, MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that controls graphic perforation for ticket printing or Official notice is taken for the Avery 5160 labels which is a functional equivalent of the claim limitations. Regarding the printing limitations of claim 78, either Berson (See abstract, Figs. 1-2, Col. 2, lines 1-55, Col. 5, lines 1-25, and claims 1-15) or Kay (See abstract, Figs. 1-4, Col. 2, lines 20-65, Col. 4, lines 30-50, claims 1-12) disclose printing tickets on a local printer under control of a remote network server which is a functional equivalent of the claim limitations. Regarding printing limitations of claim 79, MacDonald (See Fig. 1-4b, Col. 1, lines 35-65) show a desktop printer that controls graphic perforation of media that can vary under computer control or Official notice is taken for the Avery labels that come in many different sizes which is a functional equivalent of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the

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specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

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Alexandria, VA 22313-1450

or faxed to (703)872-9306

Hand delivered responses should be brought to

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SALVATORE CANGIALOSI
PRIMARY EXAMINER
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